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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAMELA PFEFFER,)	CASE NO.: 2:21-cv-01428-APG-NJK
)	
Plaintiff,)	
)	
vs.)	<u>DISCOVERY PLAN AND</u>
)	<u>SCHEDULING ORDER</u>
HARTFORD LIFE AND ACCIDENT)	
INSURANCE COMPANY,)	
)	(Special Scheduling Review
Defendants.)	Requested)
)	

Plaintiff, PAMELA PFEFFER (“Plaintiff”), and Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY (“Defendant”), jointly request special scheduling review. The parties submit the following discovery plan and order for this case.

I. Rule 26(f) Conference.

In accordance with Fed. R. Civ. P. 26(f), a conference was held via email on September 28, 2021 between Matthew Maloney and Marie Casciari, counsel for Plaintiff, and Jenapher Lin and Jack Englert, Jr., counsel for Defendant. The parties agree that the standard discovery plan is not best suited for this lawsuit, for the reasons set forth below. According to LR 26-1(b)(7-8), the parties further certify that they have met and conferred regarding the possibility of using alternate dispute-resolution processes. The provisions of LR 26-1(b)(9) do not apply as no jury trial is demanded or allowed in this matter.

1 **II. Nature of Case and Purpose of Special Review.**

2 This case involves a claim for long-term disability benefits under an employee
3 benefits plan (“Plan”) sponsored by Plaintiff’s employer, the American Heart Association,
4 for the benefit of its employees. The Plan is funded by a group policy underwritten by
5 Defendant, which also administers claims for disability benefits under the Plan. This action
6 was specifically brought as a claim for benefits pursuant to § 502(a)(1)(B) of the Employee
7 Retirement Income Security Act of 1974 (“ERISA”) (29 U.S.C. § 1132 (a)(1)(B)). Plaintiff
8 also seeks attorneys’ fees and costs under ERISA § 502(g) (29 U.S.C. § 1132(g)).

9 A discovery plan and scheduling order are generally not required here because the
10 Court’s review will be based primarily on the claim file compiled by Defendant during the
11 claim and appeal process. LR 16-1(c)(1). Instead, the parties will file a proposed briefing
12 schedule. LR 16-1(c). Accordingly, the parties jointly request that this Court review and
13 adopt the proposed non-standard discovery and case schedule set forth below.

14 **III. Proposed Plan**

15 The parties have conferred and agree as follows:

16 **A. Production of the Claim File:** Defendant will produce a copy of the claim
17 file by **October 29, 2021.**

18 **B. Meet and Confer Period:** Plaintiff contends that she is entitled to conduct
19 discovery in this matter, but first needs to review the claim file Defendant will be producing
20 in litigation. Plaintiff and Defendant will meet and confer by **November 26, 2021** as to: 1)
21 the type and scope of discovery Plaintiff contends is permissible and should be conducted,
22 with reasonable specificity (including proposed written discovery where possible); and 2)
23 whether the parties agree regarding the contents of the claim file, including whether materials
24 should be added and/or removed therefrom. Any discovery that the parties agree is
25 permissible under ERISA shall be served by **December 10, 2021.**

26 **C. Briefing re: ERISA Discovery Disputes:** To the extent that, after the meet
and confer period, the parties disagree as to: 1) the permissible scope and type of discovery

1 Plaintiff is seeking and/or 2) the contents of the claim file, on or before **December 31, 2021**,
 2 the parties will simultaneously brief the Court and request a ruling on any remaining
 3 disputes.

4 **D. Filing of ERISA Claim File and Briefing of the Merits of the Case:** If no
 5 discovery is served under Paragraph III.B and no discovery motions are filed under
 6 Paragraph III.C., on or before **January 14, 2022**, Defendant will file the claim file with this
 7 Court, the contents of which will be agreed upon by the parties.

8
 9 After the parties file a timely joint claim file submission, the parties anticipate this
 10 matter will be resolved pursuant to dispositive motions filed under Fed. R. Civ. P. 52. The
 11 Parties propose a deadline of **February 18, 2022** for cross-dispositive opening briefs and
 12 **March 18, 2022** for cross-dispositive response briefs. If discovery motion(s) are filed under
 13 Paragraph III.C., above, the deadlines set forth in this Paragraph III.D. will be suspended.
 14 The parties will propose new dispositive briefing deadlines after any discovery motion(s)
 15 have been ruled upon to consider any additional discovery time permitted.

16 **IV. Settlement.**

17 Plaintiff is amenable to engaging in early settlement discussions, whether it be
 18 through formal mediation or informal attempts to reach a resolution.

19 DATED: October 4, 2021 DEBOFSKY SHERMAN CASCIARI REYNOLDS PC
 20

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1 DATED: October 4, 2021 HOLLAND & HART LLP

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13 **IT IS SO ORDERED:**

14 Dated October 6, 2021

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17 UNITED STATES MAGISTRATE JUDGE
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